

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2011

MINI JOURNAL

FLOOR REMARKS TO BE INSERTED

**FIFTY-SIXTH DAY
APRIL 27, 2011**

OFFICE OF THE CHIEF CLERK

A handwritten signature in black ink, appearing to be a stylized 'P' or 'R' followed by a vertical line.

All Mini and Rough Draft Journals are provided as an informational service only and are not intended to replace the permanent bound version of the House Journal which is the official certified record. The daily Mini Journals and Rough Draft Journals are subject to correction and approval, and should not be relied upon, quoted or cited as an official record.

*The **Mini Journal** is produced for each legislative day and shows all action which took place on the Chamber Floor, including all bills and resolutions introduced, referrals, readings, all motions and votes, and Governor's Messages and other Communications. The Mini Journal does not include verbatim floor remarks or announcements made.*

The Mini Journal is generally available the next legislative day following each day's session and may be obtained at the House Printshop.

*The **Rough Draft Journal** includes verbatim floor remarks, written remarks, announcements and introductions made on the Chamber Floor. Copies of the Rough Draft Journal may be obtained at the House Printshop as they become available.*

*The **Mini Journal** and **Rough Draft Journal** may also be obtained at the House of Representatives section of the legislative website. www.capitol.hawaii.gov*

*The **bound version of the House Journal** is the official certified record of the proceedings of the House of Representatives. Once certified, the official permanent record is published and bound after the close of the Regular or Special Session of the Legislature.*

FIFTY-SIXTH DAY

Wednesday, April 27, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 11:41 o'clock a.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Carroll, M. Oshiro and Souki.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Fifth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 196, 1117 and 1118) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 196, dated April 15, 2011, transmitting the State Foundation of Culture and Arts' Annual Report July 1, 2009 through June 30, 2010.

Gov. Msg. No. 1117, informing the House that on April 26, 2011, the following bill was signed into law:

S.B. No. 1292, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS." (ACT 017)

Gov. Msg. No. 1118, informing the House that on April 26, 2011, the following bill was signed into law:

H.B. No. 1067, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY." (ACT 018)

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 87) was received by the Clerk and was placed on file:

Dept. Com. No. 87, dated April 8, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting their 2010 Annual Report, pursuant to Section 23-9, Hawaii Revised Statutes.

INTRODUCTIONS

The following introductions were made to the Members of the House:

REMARKS DELIVERED: Rep. Mizuno
Rep. Ward

ORDER OF THE DAY

SUSPENSION OF RULES

REMARKS DELIVERED: Vice Speaker Manahan

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on H.R. No. 170. (Representatives Cabanilla, Carroll and M. Oshiro were excused)

RECONSIDERATION OF
ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 1231, recommending referral to the Committees on Economic Revitalization & Business and Labor & Public Employment, seconded by Representative Evans and carried. (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

UNFINISHED BUSINESS

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 170, entitled: "HOUSE RESOLUTION SUPPORTING THE WORKFORCE PIPELINE PROGRAM OF THE THIRTY METER TELESCOPE PROJECT," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative Wooley, for the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1751), recommending that H.R. No. 197, as amended in HD 1, be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 197, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO ACTIVATE AND ENFORCE EXISTING ORDINANCES AS WELL AS ADOPT ORDINANCES IDENTIFYING AND PROTECTING CULTURALLY VALUABLE SITES," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representatives Hanohano and Wooley, for the Committee on Hawaiian Affairs and the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1752) recommending that S.C.R. No. 55, SD 1, be adopted.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1752, that S.C.R. No. 55, SD 1, be recommitted to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and S.C.R. No. 55, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUPPORT LEGISLATION THAT REDESIGNATES DISCOVERERS' DAY IN HAWAII AS INDIGENOUS PEOPLES DAY," was recommitted to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

UNFINISHED BUSINESS

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

H.B. No. 299, HD 1, (SD 1)
H.B. No. 519, HD 1, (SD 2)

The Chair addressed the Clerk who announced that the record of votes for the appropriate measure had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measure to the Floor for final disposition.

H.B. No. 299, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 299, HD 1, on the following showing of Ayes and Noes:

Ayes, 3 (B. Oshiro, Luke and Thielen). Noes, none. Excused, none.

Representative B. Oshiro moved that H.B. No. 299, HD 1, SD 1, pass Final Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Pine
Rep. Ward

TO BE INSERTED: Rep. Pine
Rep. Ward

(Submit by Monday, May 2)

The motion was put to vote by the Chair and carried, and H.B. No. 299, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS OF APPEAL," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

H.B. No. 519, HD 1, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 519, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

At 11:50 o'clock a.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 299, HD 1, SD 1
H.B. No. 519, HD 1, SD 2

REPORTS OF STANDING COMMITTEES

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1753) recommending that H.R. No. 149, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 149, be adopted, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Ichiyama

TO BE INSERTED: Rep. Ichiyama
(Submit by Monday, May 2)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 149, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO COMPLETE THE IMPLEMENTATION OF SALT LAKE DISTRICT PARK MASTER PLAN," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

REPORTS OF CONFERENCE COMMITTEES

REMARKS DELIVERED: Vice Speaker Manahan

Representatives Aquino and Rhoads, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 172, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 172, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and S.B. No. 172, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred for a period of 48 hours.

Representatives Brower and Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1483, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 1483, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and S.B. No. 1483, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)," was deferred for a period of 48 hours.

Representatives Souki and Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1094, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 51) recommending that H.B. No. 1094, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51 and H.B. No. 1094, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was deferred for a period of 48 hours.

Representatives Souki, Herkes and Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1241, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 52) recommending that H.B. No. 1241, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52 and H.B. No. 1241, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," was deferred for a period of 48 hours.

Representative Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 555, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 53) recommending that H.B. No. 555, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53 and H.B. No. 555, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Cabanilla, Carroll, Luke and M. Oshiro were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate,

and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

H.B. No. 1130, (SD 1)
H.B. No. 1376, (SD 1)
H.B. No. 1447, HD 2, (SD 2)

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to agree to the amendments made by the Senate the following House Concurrent Resolutions, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

H.C.R. No. 60, (SD 1)

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 60, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," was Adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

ANNOUNCEMENTS

REMARKS DELIVERED: Rep. Herkes

ADJOURNMENT

At 11:55 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Thursday, April 28, 2011. (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 27, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 1130, SD 1
H.B. No. 1376, SD 1
H.B. No. 1447, HD 2, SD 2

House Communication dated April 27, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 299, HD 1, SD 1
H.B. No. 519, HD 1, SD 2

House Communication dated April 27, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolution:

H.C.R. No. 60, SD 1